

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA

v.

ANMING HU

Case No. 3:20-CR-21

JUDGE VARLAN

**RESPONSE IN OPPOSITION TO DEFENDANT'S
RENEWED MOTION FOR JUDGMENT OF ACQUITTAL**

The United States of America, by Francis M. Hamilton III, Acting United States Attorney for the Eastern District of Tennessee, hereby files this response in opposition to the Defendant's Renewed Motion for Judgment of Acquittal, Doc. 127. The Defendant's Motion asks the Court to dismiss the case because, in the Defendant's view, "[t]here [was] no evidence that Professor Hu willfully intended to deceive NASA."

The Defendant's Motion should be denied. Taken in the light most favorable to the government, a rational trier of fact could have found, based on the evidence presented at trial, that the Defendant acted with the requisite intent to defraud. *See United States v. Paulus*, 894 F.3d 267, 274 (6th Cir. 2018) ("In resolving [a Rule 29 motion], the court must view the evidence in the light most favorable to the prosecution, and may not enter a judgment of acquittal if *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." (emphasis in original) (internal citations and quotations omitted)).

At the close of the trial, the Court stated that it would inform the parties if it wished to receive further briefing on the Defendant's Rule 29 motion. The government is prepared to do so if directed by the Court.

Respectfully submitted on August 6, 2021.

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